



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/579,998

05/19/2006

Bernhard Lucas

10191/4566

7625

26646

7590

03/24/2008

KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/579,998 | <b>Applicant(s)</b><br>LUCAS ET AL. |  |
|                              | <b>Examiner</b><br>ERIC M. BLOUNT    | <b>Art Unit</b><br>2612             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05192006</u> .                                                | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 24 is objected to because of the following informalities: in line 1, applicants have included the words “one of”; it appears that these words should be deleted. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ernst, Jr. et al [US 7,124,027 B1].

With regard to **claim 13**, Ernst discloses a method for warning a driver of a motor vehicle, comprising:

- detecting, by an object detector (104), at least one preceding vehicle (106), and a distance and relative velocity with respect to the motor vehicle (column 5, lines 3-20);
- supplying the distance and relative velocity to an evaluation device (column 5, line 65 – column 6, line 21);
- ascertaining, by the evaluation device, whether, assuming that the preceding vehicle performed a deceleration, a collision with the preceding vehicle would be avoidable as a

Art Unit: 2612

function of a reaction time of the driver and a maximum possible deceleration of the motor vehicle (column 27, line 15 - column 28, line 63); and

- activating a warning device in an event that the collision would be unavoidable (column 24, lines 10-63 and column 30, lines 24-66; Ernst shows that a warning is issued when a host vehicle approaches a leading vehicle inside a range wherein the vehicles would be capable of completely stopping without colliding.).

As for **claims 14-16**, Ernst discloses a plurality of ways to determine driver reaction time (column 31, line 49 – column 32, line 2).

As for **claim 17**, Ernst discloses the warning device can issue an acoustic or visual signal (column 4, lines 54-62).

Regarding **claim 18**, the warning device issues a driver warning using a reversible belt tensioner, the reversible belt tensioner being pretensioned once or several times (column 7, lines 54-65).

As for **claim 19**, the warning device issues a driver warning device by a brief triggering of a deceleration device (column 8, lines 1-10).

As for **claim 20**, the warning device issues a driver warning at least one of: i) by a haptic accelerator pedal, and ii) in the form of a vibration of a steering wheel (column 7, lines 54-65).

As for **claim 21**, the claim is interpreted and rejected using the same reasoning as claim 13 above.

As for **claim 22**, the claim is interpreted and rejected using the same reasoning as claim 17 above.

As for **claim 23**, the claim is interpreted and rejected using the same reasoning as claim 18 above.

As for **claim 24**, the claim is interpreted and rejected using the same reasoning as claim 19 above.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Bugg can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount  
Examiner  
Art Unit 2612

Application/Control Number: 10/579,998  
Art Unit: 2612

Page 5

/Eric M. Blount/  
Examiner, Art Unit 2612